

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

GREGORY MOSBY,

Plaintiff,

V.

Case No. 14-CV-00472-RAW

**THE KANSAS CITY SOUTHERN
RAILWAY COMPANY,**

Defendant.

**DEFENDANT THE KANSAS CITY SOUTHERN RAILWAY COMPANY'S
WITNESS LIST**

Defendant, The Kansas City Southern Railway Company (hereinafter “KCSR” or “Defendant”), by and through its undersigned counsel, files and exchanges with Plaintiff Gregory Mosby (“Plaintiff”) its initial Witness List pursuant to the Court’s Scheduling Order (Docket No. 16) entered on January 14, 2015.


A. WITNESS LIST

Name	Subject Matter
Gregory Mosby	Information regarding the allegations set forth in the Complaint; information regarding the April 16, 2010 incident during which Plaintiff was injured; information regarding symptoms that manifested themselves following the April 16, 2010 incident during which Plaintiff was injured; information regarding Plaintiff's attempts to conceal the April 16, 2010 incident, his unsafe work habits, and his injuries from Defendant; information regarding Plaintiff's attempts to obtain medical treatment without Defendant becoming aware of the April 16, 2010 incident; and Plaintiff's employment circumstances.
Chad Devenney	Information regarding KCSR's policy that prohibits retaliation against employees who report on-duty injuries; information regarding comparator employees who timely reported injuries at or around the same time Plaintiff late-reported his injury; information

Name	Subject Matter
	regarding comparator employees who late-reported injuries, accidents or other events with respect to which KCSR requires timely reporting; KCSR's investigation of Plaintiff; and the decision to terminate Plaintiff's employment.
Antonio J. McKinney	Information regarding Plaintiff's late reporting of an injury suffered on April 16, 2010; and medical treatment secured on behalf of Plaintiff once he finally reported the injury.
Kerry Douglas	Information regarding Plaintiff's late reporting of an injury suffered on April 16, 2010; and medical treatment secured on behalf of Plaintiff once he finally reported the injury.
Frank Cherrito	Information regarding Plaintiff's late reporting of an injury suffered on April 16, 2010; and authentication of the transcript of Plaintiff's tape-recorded interview with Cherrito on April 19, 2010 and the audio recording of the April 19, 2010 interview.
Timothy Livingston	Information regarding KCSR's investigations into Plaintiff's failure to properly perform his duties in a safe and proper manner on April 16, 2010, resulting in an on-duty injury, as well as Plaintiff's failure to timely report his injury; and authentication of the transcript from the May 4, 2010 investigative hearings.
Dr. Guy Tucker	Information regarding treatment sought by Plaintiff for his on-duty injury suffered on April 16, 2010.

Dated: April 7, 2015

Respectfully Submitted,



James S. Urban
JONES DAY
500 Grant Street
Suite 4500
Pittsburgh, PA 15219-2514
(412) 391-3939 (Telephone)
(412) 394-7959 (Facsimile)

C. Ryan Norton
Hardin, Jesson & Terry, PLC
P.O. Box 10127
Fort Smith, AR 72917-0127
Telephone: (479) 452-2200
Facsimile: (479) 452-9097

**ATTORNEYS FOR DEFENDANT
THE KANSAS CITY SOUTHERN
RAILWAY COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of April, 2015, a copy of the foregoing Defendant The Kansas City Southern Railway Company's Witness List was electronically transmitted to the Clerk of the Court using the ECF System for filing and a transmittal of a Notice of Electronic Filing to the following:

Bart Fite
Fite Law Firm
P.O. Box 1411
Muskogee, OK 74402
bfitelaw@gmail.com

And by first-class U.S. mail to:

Christopher H. Leach, Esq.
Hubbell Law Firm, LLC
1100 Main Street, Ste. 2930
Kansas City, MO 64105



James S. Urban